

# The Truth About the Schumer Amendment

## THE PROBLEM

Senator Chuck Schumer has amended the Bankruptcy Reform conference report to single out peaceful pro-life protestors for unusually harsh punishment while leaving other protestors unaffected.

## THE FACE ACT

In 1994, when Democrats controlled Congress and the White House, Chuck Schumer wrote the Freedom of Access to Clinic Entrances Act. This controversial legislation was written specifically to stop pro-lifers from protesting outside abortion clinics. It provided for huge penalties for “interfering” with access to an abortion clinic. Republicans roundly condemned the legislation as heavy-handed and unfair. It had a chilling affect on pro-life demonstrations.

## THE SCHUMER AMENDMENT

Now Schumer wants to take that chilling effect and turn it into a deep freeze. **He has cut-and-pasted the FACE Act into the bankruptcy reform conference report.** The effect will be that pro-life demonstrators who engage in civil disobedience won’t be allowed to discharge their penalties in bankruptcy. Other kinds of protestors will still be allowed to. Given the size of the penalties provided for in the FACE Act, this will mean lifelong financial ruin for many people.

## WHAT ABOUT VIOLENCE?

**Acts of violence are already not dischargeable** in bankruptcy, and no one is suggesting they should be. Senator Schumer said on September 18 that his target was pro-lifers who protest “in a peaceful way.”

## WHAT ABOUT OTHER PROTESTORS?

The amendment targets protestors who “interfere” with access to “legal goods or services.” This leaves most environmentalists, union members, civil rights activists, and even the Ku Klux Klan unaffected. Abortion providers aggressively sue pro-life protestors, virtually ensuring that large numbers of them will be financially ruined by the Schumer amendment.



**“They’d pay their fine and go back and stand in front of the clinic again. ... They were taking the law into their own hands—in a peaceful way, but a**

**very serious way that led us to write the law. That is why the FACE law mandated not fifty-dollar fines [but large ones instead].”**

**Senator Chuck Schumer  
September 18, 2002**



**“I have been arrested on a charge of parading without a permit. Now, there is nothing wrong in having an ordinance**

**which requires a permit for a parade. But such an ordinance becomes unjust when it is used to maintain segregation and to deny citizens the First Amendment privilege of peaceful assembly and protest.”**

**Martin Luther King, Jr.  
April 16, 1963**

## THE SOLUTION?

**TAKE THE SCHUMER AMENDMENT OUT OF THE BANKRUPTCY BILL AND PASS IT A.S.A.P. IT WILL THEN BE UP TO SENATOR SCHUMER TO DECIDE WHETHER PICKING ON PRO-LIFERS IS MORE IMPORTANT THAN BANKRUPTCY REFORM.**

***"Republicans...would be wise to wait [Schumer] out. The issue here is not abortion so much as free speech. Using violent extremists as straw men, liberals are hoping to snatch a formidable tool of protest from the opposition. Their efforts should be resisted on principle."***

***The Wall Street Journal***

***"Non-violent pro-lifers do not want to send checks to Planned Parenthood for the rest of their lives."***

**Roberta Combs, President,  
Christian Coalition of America**

***"The current bankruptcy bill would force peaceful, otherwise law-abiding pro-life protestors to face unique punishment and financial ruin."***

**Congressman Joe Pitts (R, PA-16)**

***"Protestors who commit violent actions are already prevented from declaring bankruptcy, but now, Sen. Schumer is targeting peaceful protestors. Such a reversal of current law is an affront to peaceful people exercising their freedom of speech."***

**Phyllis Schlafly, Eagle Forum**

***"[Schumer and his allies] are targeting those who have not been convicted of any criminal act. They're going after people who have been sued for pro-life activities under civil statutes. ... I don't know about you, but this makes me furious. Pro-life citizens are being singled out for treatment that no other group of Americans, no matter how unpopular their views are, have to face."***

**Chuck Colson**

***"We are greatly concerned that section 330 of the bill...might have the effect of unfairly penalizing certain protestors, particularly pro-life protestors."***

**Rev. Lou Sheldon, Chairman, Traditional Values Coalition**

***"The inclusion of the Schumer amendment is simply a 'morally bankrupt' proposition and is plainly an attempt to silence by intimidation those who would participate in legitimate, nonviolent protests, as provided for by the U.S. Constitution. To single out a group of protesters based on the reason they are protesting is both absurd and discriminatory."***

**Connie Mackey, Vice President, Family Research Council**

***"We urge you to reject this politically motivated provision and stand firm."***

**Letter to the Judiciary Committee,  
signed by 55 Members**

**May 8, 2002**

***"Nothing in the Schumer Amendment limits its scope to violence. In fact, the Freedom of Access to Clinic Entrances (FACE) Act, on which the Schumer Amendment is modeled, expressly contemplates its application to 'nonviolent' activities."***

**Jay Alan Sekulow, Esq. and Colby M. May, Esq.  
American Center for Law and Justice**

***"Our nation was founded on equal justice under the law. Now, Senator Schumer wants to ensure that only certain kinds of people have protection of our nation's bankruptcy laws."***

**Don Wildmon,  
American Family Association**